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UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF MASSACHUSETTS

\* \* \* \* \*  
SHEILA J. PORTER, \*  
Plaintiff \*  
-vs- \* Civil Action  
ANDREA CABRAL; SUFFOLK COUNTY \* No. 04-11935-DPW  
SHERIFF'S DEPARTMENT; SUFFOLK \*  
COUNTY and CORRECTIONAL MEDICAL \*  
SERVICES, INC., \*  
Defendants \*  
\* \* \* \* \*

DEPOSITION OF GERARD HORGAN, a witness  
called on behalf of the Plaintiff, in the  
above-captioned matter, said deposition being  
taken pursuant to the Federal Rules of  
Civil Procedure, before Patricia M.  
McLaughlin, a Certified Shorthand Reporter and  
Notary Public in and for the Commonwealth of  
Massachusetts, at the offices of Goodwin Procter  
LLP, Exchange Place, Boston, Massachusetts, on  
Friday, May 13, 2005, commencing at 10:05 a.m.

McLAUGHLIN & ASSOCIATES COURT REPORTERS  
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1 after you arrived at the House of  
2 Corrections; is that fair to say?

3 A Yes.

4 Q What was your impression of Miss Porter?

5 A That she was a good nurse practitioner.  
6 She's someone who provided good care to the  
7 inmates. I know that she advocated to have  
8 the women have their own clinic up in the  
9 10th floor. We were constantly grappling  
10 with the issue of getting the female inmates  
11 equal access to medical care, because they're  
12 housed on the 10th and 11th floor of  
13 Building 1, it's difficult to bring them  
14 downstairs to the clinic.

15 We also have concerns about having male  
16 and female inmates together. Donna Jurdak,  
17 who was the health services administrator at  
18 the time, had come to me and said that Sheila  
19 wanted to reestablish the clinic at the back  
20 of the 1102 unit, which we had provided the  
21 office space to do.

22 That wasn't Sheila's only function, but  
23 she was primarily the NP that cared for the  
24 women. And she also cared for the inmates.

1 Q So you implemented her recommendation that  
2 their be a separate unit for the female  
3 inmates who were treated by the medical  
4 staff?

5 A Yes.

6 Q Were you satisfied with her job performance?

7 A Yes.

8 Q Did she have a good reputation among the  
9 staff?

10 A She had a reputation of a qualified nurse  
11 practitioner, someone who would put in the  
12 hours that were necessary. She would ensure,  
13 even if there were a lot of inmates on the  
14 list, that she would see them all and make  
15 sure they got care.

16 Q Did you ever have any problems with  
17 Miss Porter with respect to her job  
18 performance?

19 A No.

20 Q I believe you testified that you weren't  
21 aware that she had had any communications  
22 with the FBI until the summer of 2003; is  
23 that right?

24 A Yes.

1 time.

2 Q Is there orientation and training that is  
3 provided by the House of Corrections to new  
4 independent contractors in the medical  
5 services area?

6 A They're given a limited number of policies,  
7 the policies that we think are crucial, and  
8 they are given a tour usually by the HSA or  
9 one of the nurses to show them around the  
10 buildings. It's a big facility, so it's easy  
11 to get lost when you're first there. They  
12 are given generally a brief orientation, but  
13 I would say they're abiding by CMS's rules.  
14 And we let CMS know what rules we expect them  
15 to abide by, so that they can perform  
16 efficiently at the House of Corrections.

17 Q Is it your understanding that they are  
18 trained as well before they start to work in  
19 the prison?

20 MS. CAULO: Objection.

21 MS. HARVEY: Objection.

22 Q Is it your understanding that medical  
23 personnel would receive training with respect  
24 to providing medical care in a prison before

1           they start working at Suffolk County?

2           A     By CMS?

3           Q     At all, do they receive any training?

4           A     I think any nurse or nurse practitioner would  
5                 receive some sort of orientation where they  
6                 would shadow somebody. Again, that's  
7                 something that's, if it's our employee, we're  
8                 training them. We give them a very general,  
9                 here is the rules; you can abide by them. We  
10                allow them to talk to CMS about what CMS's  
11                rules are.

12          Q     If it's a department employee, there is  
13                 specific training that they would undergo?

14          A     Yes.

15          Q     And that would be administered by the  
16                 department?

17          A     Yes. For example, all our new recruits  
18                 undergo nine weeks of training before they  
19                 are put into a unit. The nurses don't  
20                 receive nine weeks of training before they go  
21                 into a unit. It's completely different.

22          Q     Is it the case that for CMS employees who are  
23                 working in a medical area at Suffolk any  
24                 training that they receive is that

1 administered exclusively by CMS?

2 A Not all the time. There may be training  
3 classes that we have that we may invite them  
4 to participate in. There informal  
5 orientation that's given usually by someone  
6 of rank. Sometimes it's the medical  
7 supervisor who is a sergeant or a captain  
8 that will say "here is the rules; here is  
9 your policy; read them to make sure you  
10 understand them; if you have any questions  
11 about security, you can come and ask me about  
12 it".

13 But it's completely different than the  
14 training that our staff goes through.

15 Q Do you provide guidance to CMS in terms of  
16 what you expect in terms of training for  
17 medical personnel?

18 A There is language in the contract that talks  
19 about the training that they provide us. As  
20 part of the contract, they provide mental  
21 health training to our employees. I know  
22 they have hepatitis shots and things like  
23 that, but I don't think there is any  
24 guidelines to say they need to go to 40 hours

1 of training before they can work in a unit.

2 Q But the content of any training that CMS  
3 medical personnel would receive, does the  
4 prison provide guidance to CMS in terms of  
5 what it expects?

6 A No, again, we have per diem nurses that are  
7 hired on a day-to-day basis. That's  
8 something we don't like to see a whole lot  
9 of, because typically they will need more  
10 guidance from our staff as to where to go to  
11 administer the meds.

12 Q Any training that CMS personnel would  
13 undergo, where does that take place?

14 A The orientation takes place at the House of  
15 Corrections, at 20 Bradston Street.

16 Q How long is the orientation? How long is the  
17 orientation?

18 A I'd say probably a couple of hours.

19 Q You said there is a tour of the prison?

20 A Yes.

21 Q Is that the same day?

22 A Usually, your first day, yes.

23 Q And any additional training that CMS  
24 employees undergo in terms of working in a

1           correctional environment?

2           A    No, I mean, they have to abide by their  
3               continuing education credits that are needed  
4               by their license, but as far as we require,  
5               no.

6           Q    That's what I'm asking. You just have the  
7               initial training before they first start  
8               working?

9           A    No, they get our policy, and they are told  
10              here is our policies; if you have any  
11              questions, let me know.

12          Q    So you don't know anything about any other  
13               training that CMS employees receive before  
14               starting at the prison?

15          A    No.

16          Q    Would anybody else within the department know  
17               about that training?

18          A    I mean, we don't require any training.  
19               Basically, the nurses or the medical staff  
20               have to be able to provide the care. How CMS  
21               or PHS provides that, that's up to them. If  
22               there is a problem with performance, that's  
23               when we get involved. If there is an issue  
24               with a nurse doing something he or she